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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,160	07/21/2003	Duane Firman	9400-32	6490
20792 7590 05/11/2007 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627				
			EXAMINER TRAN, TUYETLIEN T	
			ART UNIT 2179	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/624,160	FIRMAN, DUANE	
	Examiner	Art Unit	
	TuyetLien (Lien) T. Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 02/28/07.

This action is made final.

2. Claims 1-18 are pending in the case. Claims 1, 13, and 15 are independent claims. Claims 17 and 18 are new claims. Claims 1, 13, and 15 are the amended claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 13 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

As to claim 13, a "computer readable medium" is being recited; however, as disclosed by the specification (e.g., see [0016]), a computer readable medium is not taught to limit to physical items. In addition, computer program product is recited as comprising a computer readable medium having computer readable program code embodied therewith; there is no recited step that actually performs the execution of "computer readable program code" embodied in the computer readable medium; therefore the computer program product is interpreted as non-functional descriptive material, per se. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, a machine, manufacture, or a composition of matter.

Claim 14 is rejected as incorporating the deficiencies of a claim 13 upon which it depends.

Note that Applicant mentioned in the remark that claim 13 has been amended as suggested by the Examiner (e.g., see Applicant's remark page 1); however, the claim does not reflect as such and therefore the 101 rejection is maintained.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al. (Patent No. 5884284; hereinafter Peters) in view of Gabbita et al. (Patent No. US 6349238; hereinafter Gabbita).**

As to claims 1 and 15, Peters teaches:

A system and method of updating data in a service order (e.g., see col. 5 lines 18-23 and lines 34-37), the service order comprising an electronic document having a plurality of fields (e.g., see Fig. 7), the plurality of fields having data associated therewith (e.g., see col. 15 lines 41-54), the method comprising:

providing a service order control panel, the service order control panel comprising a plurality of function controls (e.g., see Fig. 2 and Fig. 3), each function control having an associated predetermined function that manipulates data in at least one of the plurality of fields in the service order (e.g., note that the SOI function control in control panel as shown in Fig. 3 allows a service provider to get to the desire service order for data manipulation such as scheduling, modifying, or field completing the order, see col. 15 lines 41-54);

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accepting user input from a user to select a function control, wherein the user input is provided by a service provider (e.g., the user may select an individual service order and schedule it, modify it, or field complete the order, see col. 15 lines 41-54; note that the user is taught as any cable employees, see col. 5 lines 18-23 and lines 34-37); and

performing the predetermined function associated with the selected function control to manipulate data in at least one of the plurality of fields in the service order (e.g., see col. 16 lines 7-30).

Peters does not expressly teach detecting an error in the service order and the detecting is performed by a service provider and that manipulating data is to correct the error in at least one of the plurality of fields in the service order.

Gabbita teaches a system and method for managing and tracking new telecommunications service order from order entry through provisioning and testing (e.g., see col. 1 lines 9-14) wherein a service order control panel (e.g., a local services activity tracker (LSAT) web based graphical user interface, see Fig. 1B) is provided that displays service order related information such as service order status, service order number, customer name, city; through the web interface, an authorized user can view, query, and respond to a service order, view work assigned to other user and groups (e.g., see col. 15 lines 19-45 and Fig. 1B); Gabbita further teaches existing orders can be modified using a supplemental orders means in response to detecting an error in a service order and that the detection and data manipulation are performed by a service provider (e.g., see col. 2 lines 10-15 and col. 9 lines 60-67 – col. 10 lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented the feature of modifying the service order and error detection as taught by Gabbita to the method and systems of updating data in a service order as taught by

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Peters to obtain a system and method of correcting an error in a service order. One would have motivated to combine these teachings is to provide a better service customer care and obtain the ability to monitor and understand individual subscriber needs for effective marketing intelligence.

As to claim 13, claim 13 reflects a computer program product comprising a computer readable medium having computer readable program code embodied therein (e.g., see Fig. 1 and col. 34 lines 9-13), the computer readable program code used for performing the methods steps as claimed in claim 1 and is rejected along the same rationale.

As to claims 2, 14, and 16, Peters further teaches wherein the service order control panel further comprises at least one linking control, the linking control having a portion of the service order associated therewith (e.g., see col. 15 lines 45-54), the method further comprising:

accepting user input to select a linking control (e.g., the user selects a service order, see col. 15 lines 45-54); and

displaying the portion of the service order associated with the selected linking control (e.g., the details of the highlighted order are displayed on the bottom of the user's screen, see col. 15 lines 45-54).

As to claim 3, Peters further teaches wherein performing the predetermined function further comprises automatically performing the service order (e.g., information can also be updated automatically, such as for pay-for-view services, see col. 6 lines 8-12 and col. 9 lines 28-34).

As to claim 4, Peters teaches further comprising accepting user input from the user to edit data associated with at least one of the plurality of fields (e.g., the user may select an

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individual service order and schedule it, modify it, or field complete the order, see col. 15 lines 41-54; note that the user is taught as any cable employees, see col. 5 lines 18-23 and lines 34-37).

As to claim 5, Peters further teaches wherein the predetermined function comprises a disconnect function and performing the predetermined function further comprises automatically disconnecting a telecommunications service (e.g., cancel a pay-for view event, see col. 9 lines 43-48 and col. 6 lines 8-12).

As to claim 6, Peters further teaches wherein the predetermined function comprises a connect function and performing the predetermined function further comprises automatically connecting a telecommunications service (e.g., reconnect a subscriber, see col. 8 lines 60-65; although Peters teaches here entering an order to reconnect a subscriber, those skilled in the art would have implemented this limitation because Peters suggests that information can also be updated automatically, such as for pay-for-view services; note that information includes elected subscriber services, see col. 6 lines 5-12).

As to claim 7, Peters further teaches wherein the predetermined function comprises a transfer function and performing the predetermined function further comprises automatically transferring a telecommunications service to a predetermined location (e.g., transfer a subscriber, see col. 8 lines 60-65; although Peters teaches here entering an order to transfer a subscriber, those skilled in the art would have implemented this limitation for the same reason as discussed with respect to claim 6 above).

As to claim 8, Peters further teaches wherein the predetermined function comprises a no field work function and performing the predetermined function further comprises changing

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one of the plurality of fields in the service order to indicate that no field work is required (e.g., note that the user may select an individual service order and schedule it, modify it, or field complete the order, see col. 15 lines 50-54; although the disclosed invention does not mention the no field work function, the disclosed invention clearly teaches that field work included as part of a service order; of course, when a service order that can be automatically updated such as for pay-for-view services, those skilled in the art would appreciate this function to be able to complete a service order).

As to claim 9, Peters further teaches wherein performing the predetermined function further comprises manipulating the data in at least one of the plurality of fields in the service order to indicate that the service order is complete (e.g., see col. 9 lines 27-34 and col. 15 lines 50-54).

As to claim 10, Peters further teaches wherein performing the predetermined function further comprises altering data in at least one of the plurality of fields in the service order (e.g., the user may select an individual service order and schedule it, modify it, or field complete the order, see col. 15 lines 50-54).

As to claim 11, Peters further teaches wherein the data is a date of service (e.g., item 327 in Fig. 7).

As to claim 12, Peters further teaches wherein the service order is a telecommunications service order (e.g., pay-for-view services, see col. 6 lines 9-12).

As to claim 17, Peters further teaches wherein the detected error is a data inconsistency (e.g., see col. 27 lines 17-24 and col. 28 lines 15-18; note that in order to guards

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against excessive refunds or credits, one skilled in the art would have compare and detect the difference).

As to claim 18, Peters further teaches further comprising identifying the fields that include inconsistent data in the service order (e.g., note that in order for a user to select a service order and schedule it, modify it, or field complete the order, the user would have identified the fields that need updated, see col. 15 lines 50-54).

Response to Arguments

7. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the references of Peters and Gabbita have been added for the new ground of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
5/8/2007

Lien Tran
Examiner
Art Unit 2179

BA HUYNH
PRIMARY EXAMINER